THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

Taken Up Writ Petition No.1071 of 2007

Dated: 29th January, 2007.

Between:

Kadiri Kannayya, S/o.Guranna, Dibbapalem Village, Visakhapatnam, President, Gangavaram Port, Dibbapalem Nirvasithula Aikhyavedhika, Dibbapalem, Visakhapatnam

... Petitioner

and

1. The Circle Inspector, Circle IV, Visakhapatnam and another

... Respondents

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Oral Order: **(per the Hon'ble Sri Justice D.S.R.Varma)**

Heard the learned Additional Government Pleader for Home, representing the learned Advocate General, appearing for the respondents.

2. In this Taken Up Writ Petition, the petitioner has sent two telegrams, dated 11-01-2007, addressed to the Hon'ble the Chief Justice, High Court of Andhra Pradesh, Hyderabad complaining that fishermen of Gangavaram Port Project, namely, (1) Nulli Nukanna, S/o.Kittappa, aged 75 years; (2) Kadiri Pola Raju, S/o.China Polayya, aged 30 years; (3) Kadiri Somanna, S/o.Pedapolayya, aged 50 years; (4) Kantumutchi Pydithalli, S/o.Guruvulu, aged 50 years; and (5) Nulli Thata Rao, S/o.Guruvulu, aged 18 years, were illegally abducted from their houses on 10-01-2007 at midnight forcibly by the Circle Inspector of Police, Circle IV and his force and apprehending danger to their lives and

prayed to set them at liberty forthwith.

3. In response to the notices issued by this Court, the Inspector of Police, Gajuwaka Police Station, Visakhapatnam, who is the first respondent herein, filed a counter-affidavit, *inter alia*, stating that as a matter of fact there is no 'Circle IV' in existence in Visakhapatnam at all as could be seen from the cause title. It is further stated that one Nolli Tatarao, resident of Dibbapalem lodged a complaint on 03-01-2007 stating that on 03-01-2007 under the leadership of Kadiri Polaraju along with 70 persons came in 9 boats and attacked his boat and took away some valuable articles from his boat i.e., Computer, Laptop, and high handedly threatened to set fire if his boat was not removed from '0' Point area in the sea. Basing on the said complaint, a case in Crime No.14 of 2007 was registered against the alleged detenus for the offence punishable under Section 384 I.P.C., that during the course of investigation the statements of witnesses were recorded and after that, Sections 341, 447, 448 and 506 read with Section 34 I.P.C., were added and further investigation was caused. While the said investigation was in progress, it came to light that about 35 persons were involved including the alleged detenus in committing the above said offences. The alleged detenus were apprehended on 11-01-2007 at 4 a.m., and after complying with the formalities of arrest, they were produced before the III Additional Chief Metropolitan Magistrate, Gajuwaka, Visakhapatnam, on 11-01-2007 itself and later on they were granted regular bail by the learned Magistrate. The other accused in the above crime are absconding and the Police have been making all efforts to apprehend them.

4. The other allegations made in the telegrams, dated 11-01-2007, have been denied by the Inspector of Police, Gajuwaka Police Station.

5. In view of the vital revelations, we do not find

any reason to interfere with the writ petition.

6. Accordingly, the Taken Up Writ Petition is dismissed, at the stage of admission.

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D.S.R.VARMA, J

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P.LAKSHMANA REDDY, J

29th January, 2007.
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